

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

- against -

ROBERT HADDEN,

Defendant.  
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20 Cr. 468 (RMB)

**ORDER**

Defense counsel Gosnell and Kirshner’s 10-page letter to the Court in this case, dated December 24, 2020, is respectfully rejected. And, the Court’s Decision & Order, dated December 23, 2020, remains fully in effect.

If defense counsel intended or intend to seek or obtain specific action or relief from the Court (or any of the Court’s staff), they must do so in a written motion, and in accordance with the Federal Rules of Criminal Procedure and the Court’s individual rules. *See e.g.* Fed. R. Cr. P. 47.

If counsels’ intention in sending their December 24 letter to the Court was to share their stream of consciousness musings and opinions following the Court’s Decision & Order, even if their letter had been factually and/or legally correct, their letter was improper (and quite rude).

Counsel have actively and aggressively litigated together the intertwined issues of Mr. Hadden’s application for appointed counsel and their own application to be relieved (making written submissions and arguing orally at several court appearances). See e.g. Sept. 17, 2020 Tr. at 33:15-17; Nov. 12, 2020 Tr. at 10:19-21 (Ms. Kirshner: “[W]e are going to continue to seek to be relieved from this case and hopefully have counsel appointed, Judge.”) (emphasis added). The Court is not inclined to separate these two issues and to permit counsel to abandon the Defendant at this juncture. *See e.g. United States v. Morrison*, 2006 WL 2482046, at \*4 (E.D.N.Y. Aug. 25, 2006) (where the court “indicated that present counsel would not be relieved until new counsel was retained”); *Kentelle S.p.A. v. Devori Int’l Inc.*, 1987 WL 19637, at \*2 n.3 (S.D.N.Y. Oct. 29, 1987) (“This Court, except in

the most exceptional of circumstances, denies a request to withdraw unless new counsel is substituted.”).

Dated: New York, New York  
December 26, 2020

A handwritten signature in black ink that reads "Richard M. Berman". The signature is written in a cursive, flowing style.

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**RICHARD M. BERMAN, U.S.D.J.**